

REMARKS

In the office action, all of the pending claims were rejected under 35 U.S.C. § 103 as allegedly obvious over the combination of U.S. Patent No. 6,738,950 to Barnett ("*Barnett*") in view of U.S. Patent No. 6,044,471 to Colvin (claims 43, 44, 47, 48, 51 and 52 ("*Colvin*"), or as allegedly obvious over *Barnett* in view of *Colvin* and further in view of U.S. Patent No. 6,948,168 to Kuprionas (claims 45, 46, 49 and 50) ("*Kuprionas*"). Applicants respectfully traverse the rejections for the reasons set forth below.

All of the independent claims (claims 43, 47, 51 and 52) recite two conditions on each of which the second information processing apparatus permits the first information processing apparatus to execute a program stored on a recording medium. In this way, a user of the first information processing system can select the way to obtain authorization to execute the program. Thus, claims 43, 47, 51 and 52 recite that the first information processing apparatus must permit the first information processing apparatus to execute a program stored on a recording medium whenever either one or both of the conditions is true.

The first condition is that each of first identification information and second information matches data stored in a database. As recited in each of the independent claims, the first identification information identifies at least one of the first information processing apparatus or a user of the first information processing apparatus. As also recited in each of the independent claims, the second identification information identifies a program stored on a recording medium that is coupled to the first information processing apparatus.

The second condition is that the second identification information matches the data stored in a database and a password

that is inputted by the user at the first information processing apparatus is valid.

The passage of *Barnett* (col.1 11.50-62) cited in the final office action to reject the claims merely refers to the conventional entry of a username and password in response to a prompt when a user requests access to a website. *Barnett* neither teaches nor suggests a system in which a second information processing system permits a first information processing apparatus to execute a program stored on a recording medium whenever either one or both of the two different conditions is true. Clearly, *Barnett* fails to teach permitting a program stored on a recording medium to be executed on condition that first identification information and second information matches data stored in a database, where the first identification information identifies at least one of the first information processing apparatus or a user of the first information processing apparatus, and the second identification information identifies a program stored on the recording medium.

Barnett also fails to teach permitting the program stored on the recording medium to be executed when second identification information (information identifying a program stored on the recording medium) matches the data stored in a database and a password that is inputted by the user at the first information processing apparatus is valid.

Neither *Colvin* nor *Kuprionas* supplies the elements of the claims which are clearly lacking in *Barnett* with to the invention recited in the independent claims. *Colvin* is merely cited as teaching the act of permitting a first information processing apparatus to execute a program when a password is valid. *Colvin* does not teach having the second information processing apparatus permit the first information processing apparatus to execute a program when only other information, e.g., the claimed first and second identification information,

match the data stored in a database. *Kuprionas* is merely cited in the Office Action as allegedly teaching use of a device ID to identify an end user computer to verify software licensed to that device ID. (col.1 ll.35-42, col.1 l.64-col.2 l.3) However, *Kuprionas* fails to teach permitting execution of a program when each of the first and second identification information, as defined specifically in the claims, matches data stored in a database. Again, *Kuprionas* does not make up for the teachings which *Barnett* and the combination of *Barnett* and *Colvin* lack with respect to the pending independent claims. As all other claims depend from one of the independent claims, each is fully distinguished from the cited art for at least the same reasons as set forth above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.


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If there are any additional charges in connection with this response, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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